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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/090,071	06/03/1998	ROBIN MIHEKUM MILLER	60.115344	3501

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2674

31

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/090,071

Applicant(s)

MILLER, ROBIN MIHEKUM

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on the 6/4/2003 is entered. The rejection of claims 18 and 20 are maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable Fukatsu et al (US 5,576,724) over Kadomuki et al (JP 2-227340).

As to claim 18, Fukatsu et al teach a vehicle heads-up display system comprising: a source (2, 3), a display unit (1), a windshield glass (D), a moving vehicle (see figure 1, column 3, lines 1-5); a control circuit (5), a switch (52), and a photo sensor (51) control and determine the contrast of the heads-up display relative to an environmental image (B) approaching the moving vehicle (4) (see figures 4 and 5, column 6, lines 5-45).

Fukatsu et al fail to teach the control arrangement selects an appropriate fill pattern for the heads-up display dependent upon the texture of the environmental image in order to contrast the heads-up display relative to the environmental image.

However, Kadomuki et al teach a heads-up display device including the symbol (B) for selecting an appropriate fill pattern (see figures 2-5, pages 9 and 10) for the

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heads-up display dependent upon the landscape, the trees, and the road information in order to contrast sufficiently between the respective colors of the landscape, trees and the road information relative to a background (see figures 7, 8 and 10, page 13, line 17 through pages 14 and 15).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the symbol (B) for selecting an appropriate fill pattern for the heads-up display dependent upon the landscape, the trees, and the road information in order to contrast sufficiently between the respective colors of the landscape, the trees, and the road information relative to the background taught by Kadomuki et al for Fukatsu et al's heads-up display device because this would display information or command that can be easily identified by an operator regardless of the state of the operator's forward field of vision (page 8, lines 1-5 of Kadomuki et al).

As to claim 20, Fukatsu et al teach a method of providing a heads-up display comprising the steps of:

- a. providing a system having reflecting mirrors (2 and 3), a display unit (1), a control circuit (5), a photo sensor (51) for directing a heads-up display onto the windshield glass (D) of a moving vehicle (4)(see figures 4, 5, and 11);
- b. directing a heads-up display having reflecting mirrors (2 and 3), a display unit (1), a control circuit (5), a photo sensor (51) onto the vehicle windshield glass (D) (see figures 4, 5, and 11);
- c. controlling the contrast of the heads-up display relative to the environmental image (B) approaching the moving vehicle (4)

(see figure 12, column 6, line 54 through column 7 through column 8, line 24);

Fukatsu et al fail to teach selecting an appropriate fill pattern for the heads-up display dependent upon the structural features of the environmental image in order to contrast the heads-up display relative to the environmental image.

However, Kadomuki et al teach a method of providing a heads-up display comprising the steps of selecting an appropriate fill pattern (see figures 2-5, pages 9 and 10) for the heads-up display dependent upon the landscape, the trees, and the road information in order to contrast sufficiently between the respective colors of the landscape, trees, and the road information relative to the background by the symbol (B) (see figures 7, 8 and 10, page 13, line 17 through pages 14 and 15).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize selecting an appropriate fill pattern for the heads-up display dependent upon the landscape, trees, and the road information in order to contrast sufficiently between the respective colors of the landscape, the trees, and the road information relative to the background by the symbol (B) taught by Kadomuki et al for Fukatsu et al's head up display device because this would display information or command that can be easily identified by an operator regardless of the state of the operator's forward field of vision (page 8, lines 1-5 of Kadomuki et al).

Response to Arguments

2. Applicant's arguments filed 6/4/2003 have been fully considered but they are not persuasive. See the rejections above.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on **MON-THU** from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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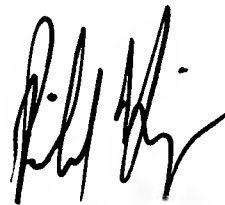
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Examiner
Art Unit 2674



RICHARD WEESE
SUPERVISOR
TECHNOLOGY CENTER 2600